

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENNETH CURRY, RICARDO MAZZITELLI,
JACQUELINE BROWN PILGRIM, on behalf of
themselves and others similarly situated,

Plaintiffs,

-against-

P&G AUDITORS AND CONSULTANTS, LLC; GRC
SOLUTIONS, LLC; PGX, LLC; AND APPLE
BANCORP, INC. d/b/a APPLE BANK FOR SAVINGS,

Defendants.

Case No. 20-cv-06985 (LTS) (SLC)

**AFFIDAVIT OF SUSAN GORO
IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT**

STATE OF NEW YORK)
) ss. :
COUNTY OF NEW YORK)

Susan Goro, being duly sworn, deposes and says:

1. I am the Executive Vice President and Chief Human Resources Officer of Defendant Apple Bank for Savings, sued herein as Apple Bancorp, Inc. d/b/a Apple Bank for Savings (“Apple Bank” or the “Bank”). I submit this affidavit in support of Apple Bank’s motion for summary judgment.

2. Apple Bank engaged GRC Solutions, LLC (“GRC”) to, independently, test, monitor and validate Apple Bank’s Anti-Money Laundering and Bank Security Act Compliance Program, including the Bank’s suspicious activity monitoring system (the “Project”).

3. To conduct their work on the Project, and perform their independent review of the Bank’s Compliance Program, including its suspicious activity monitoring system, GRC employees needed access to the Bank’s systems and information technology resources.

4. The GRC employees, like all personnel affiliated with any third party needing access to the Bank's systems and information technology resources, were required to sign Apple Bank's "Acceptable Use Policy" for security purposes. (*See, e.g.*, accompanying Affidavit of Dean G. Yuzek, Ex. K, Acceptable Use Policy signed by Plaintiff Mazzitelli as an employee of GRC.)

5. Apple Bank was not involved in the process of hiring or terminating GRC employees with respect to the Project. Apple Bank did not have the power to hire or fire GRC employees working on the Project. Rather, Apple Bank performed the ministerial task of providing access or deactivating access to the Bank's systems and information technology resources for the GRC employees in accordance with GRC's instructions.

6. Apple Bank did not prepare or retain records of employment for any GRC employees. Apple Bank also did not maintain any personnel files for the GRC employees. And Apple Bank did not maintain copies of any tax forms, paystubs, or agreements between GRC employees and GRC, or entities affiliated with GRC including, but not limited to, P&G Auditors and Consultants, LLC and PGX LLC.

7. Apple Bank did not pay the GRC employees. Apple Bank did not provide pay statements, issue any 1099s or W2s to the GRC employees, and Apple Bank did not determine how any of the GRC employees working on the Project would or should be classified. Apple Bank had no input whatsoever in such classification decisions.

8. Apple Bank neither controlled nor dictated the days or the number of hours GRC employees worked to meet the deadlines imposed by their employer, GRC, or by the Federal Deposit Insurance Corporation and the New York State Department of Financial Services.

Susan Goro
SUSAN GORO

Sworn to before me on this
2nd day of December 2020

Andrea Gallinucci-Martinez

Notary Public

ANDREA GALLINUCCI-MARTINEZ
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02GA6407618
Qualified in New York County
Commission Expires June 22, 2024